

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FILED

JAN 04 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC LEE MANY GUNS,

Defendant.

CR 12-45-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 4, 2015. (Doc. 58.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 3, 2015. (Doc. 54.) Many Guns admitted to violating his conditions of supervised release by failing to reside in a residential reentry center for 120 days. (*Id.*) Judge Johnston

found the evidence sufficient to establish that Many Guns had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Many Guns' supervised release. (Doc. 58.) Judge Johnston recommends that the Court sentence Many Guns to six (6) months in custody with 18 months of supervised release to follow. (*Id.*) The Magistrate recommends that the same conditions of supervised release should be continued and if Many Guns is eligible, he should again be required to reside in a residential reentry center upon his release from custody. (*Id.*)

Many Guns' violation grade is Grade C, his underlying offense is a Class C felony, and his criminal history category is I. He could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Many Guns' current violation is serious in nature. A sentence of imprisonment for six (6) months with 18 months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 58) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED:

(1) Defendant Eric Lee Many Guns' supervised release shall be revoked and he shall be committed to the custody of the United States Bureau of Prisons for six (6) months with 18 months of supervised release to follow.

(2) Many Guns, if eligible, shall reside in a Residential Reentry Center (RRC) under contract to the United States Bureau of Prisons, in the pre-release component, for a period of 120 days. Many Guns shall abide by all rules and regulations of the center and successfully complete any programming as deemed appropriate by the United States Probation Officer.

DATED this 4th day of January, 2016.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge